



November 19, 2014

**VIA CM/ECF**

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United States

The Honorable Sam Sparks  
U.S. District Court, Western District of Texas  
Austin Division  
501 West Fifth Street, Suite 1100  
Austin, Texas 78701

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Re: St. Jude Medical S.C., Inc. v. Janssen-Counotte, 1:14-cv-00877-SS – Motions to Seal

Dear Judge Sparks:

On behalf of St. Jude Medical S.C., Inc. ("St. Jude") and in response to Your Honor's request, we consent to the public filing of the following pleadings.

- Plaintiff's Supplemental Response to Defendant's Motion to Dismiss for Lack of Personal Jurisdiction (Dkt. No. 31, Attachment 1); and
- Plaintiff's Supplemental Memorandum in Support of its Application for a Preliminary Injunction (Dkt. No. 32, Attachment 1).

St. Jude continues to request the sealing of the exhibits to each of these pleadings for the reasons set forth in the respective Motion to Seal

With respect to Defendant's pleadings, please note that Defendant's Supplemental Brief in Support of Her Motion to Dismiss and her Response in Opposition to Plaintiff's Application for a Temporary Restraining Order and Preliminary Injunction (Dkt. No. 30, Attachment 2) includes, at pages 16 through 19, excerpts of testimony from the September 24, 2014 hearing on St. Jude's TRO Application. St. Jude has moved to seal portions of the transcript on the ground that certain testimony – including the testimony quoted in Defendant's Supplemental Brief – encompassed a detailed discussion of St. Jude trade secrets (Dkt. No. 28).

Defendant's November 19, 2014 letter to Your Honor objects to sealing two pages of designated testimony based on a bald statement that there is "nothing secret about it." This does not overcome St. Jude's motion to seal the hearing transcript, particularly given that Defendant never filed a brief in opposition to St. Jude's motion. The pages at issue (Tr. 35-36) specifically address St. Jude's strategic market approach, including a specific product example, and as set out more fully in St. Jude's Motion, the testimony should be sealed.

We respectfully request that Defendant's Supplemental Brief not be filed unsealed in its present form. Both St. Jude and Defendant have consented to the filing of Defendant's brief with the designated information redacted.

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Very truly yours,

/s/ M. Scott Incerto

M. Scott Incerto

MSI/cml

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing has been filed pursuant to the electronic filing requirements of the United States District Court for the Western District of Texas on this the 19<sup>th</sup> day of November, 2014, which provides for service on counsel of record in accordance with the electronic filing protocols in place.

/s/ M. Scott Incerto  
M. Scott Incerto